

REMARKS

The Examiner has rejected claims 1-7, 10-12, 14-23 and 43-49, objected to claims 8, 9 and 13, and allowed claims 24-42. Applicant acknowledges and appreciates the Examiner's statement regarding allowance of claims 24-42. By the present amendment, claims 8, 13, 21-23 and the second occurrence of claim 28 have been cancelled, claims 1, 3, 4, 6, 11, 15, 16, 19, 20 and 43 have been amended, and new claim 50 has been added. After the present amendment, claims 1-7, 9-12, 14-20 and 24-50 are pending in the present application. Applicant respectfully requests an early notice of allowance for claims 1-7, 9-12, 14-20 and 24-50 for the reasons stated below.

A. Rejection of Claims 16-18 Under 35 USC § 112, ¶ 2

The Examiner has rejected claims 16-18 under 35 USC § 112, ¶ 2, because claim 16 depends from claim 16. By the present amendment, applicant has amended claim 16 to depend from claim 15. Accordingly, it is respectfully submitted that the Examiner's rejection of claim 16 and its dependent claims 17-18 have been overcome.

B. Rejection of Claims 1-7, 10-12, 14-23 and 43-49 Under 35 USC §102(b)

The Examiner has rejected claims 1-7, 10-12, 14-23 and 43-49 under 35 USC §102(b), as being anticipated by Bhatia (USPN 6,052,803) (hereinafter "Bhatia"). For the reasons that follow, applicant respectfully submits that independent claims 1-7, 9-12, 14-20 and 43-50 are patentably distinguishable over Bhatia.

By the present amendment, independent claim 43 has been amended to recite “receiving second modem identification data from said second modem; establishing an error corrected data channel with said second modem; establishing a non-error corrected data channel with said second modem in response to said second modem identification data.” Accordingly, it is respectfully submitted that claim 43 and its dependent claims 44-49 should be allowed at least for similar reasons the Examiner has found claims 24 and 33 to be in condition for allowance.

Also, by the present amendment, applicant has cancelled the second occurrence of claim 28, which has been allowed. Further, applicant has added new claim 50, which is the same as the second occurrence of claim 28. Accordingly, it is respectfully submitted that claim 50 is in condition for allowance.

Independent claim 6 has been amended to include the limitations of claim 8, which the Examiner has indicated to be allowable if written in independent form. Accordingly, it is respectfully submitted that claim 6 and its dependent claims 7 and 9-10 are in condition for allowance.

Independent claim 11 has been amended to include the limitations of claim 13, which the Examiner has indicated to be allowable if written in independent form. Accordingly, it is respectfully submitted that claim 11 and its dependent claims 12 and 14 are in condition for allowance.

Independent claim 1 has been amended to recite “creating a pseudo-unique identification code that is different for each of said calls; storing said pseudo-unique identification information for each of said calls; storing diagnostic information relating to each of said calls; associating said diagnostic information for each of said calls with said pseudo-unique identification code

corresponding to each of said calls.” It is respectfully submitted that Bhatia fails to disclose, teach or suggest that, for example, a pseudo-unique identification information is stored for each call and that the diagnostic information for each call is associated with its corresponding pseudo-unique identification code. Accordingly, claim 1 and its dependent claims 2-5 are patentably distinguishable over Bhatia and should be allowed.

Furthermore, applicant has amended independent claim 15 to recite: “receiving second modem identification data from said second modem; indicating that diagnostic information will be in a certain format; and sending said diagnostic/maintenance information on said secondary communications channel in response to said second modem identification data; wherein said diagnostic/maintenance information contains information in a plurality of different areas.” Accordingly, it is respectfully submitted that claim 15 and its dependent claims 16-18 should be allowed at least for similar reasons the Examiner has found claims 24 and 33 to be in condition for allowance.

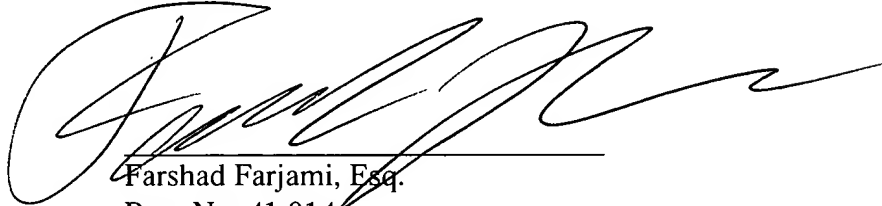
In addition, by the present amendment, applicant has amended independent claim 19 to recite: “creating a first call identification information unique to said first connection; ... associating said first diagnostic information with said first call identification information; terminating said first connection; establishing a second connection with said second modem; creating a second call identification information unique to said second connection; receiving a call identification information for a previous connection from said second modem; matching said call identification information with said first call identification information stored by said first modem; retrieving said first diagnostic information associated with said first call identification information.” It is respectfully submitted that Bhatia fails to disclose, teach or suggest the

limitations of claim 19. Accordingly, claim 19 and its dependent claim 20 are patentably distinguishable over Bhatia and should be allowed.

C. Conclusion

For all the foregoing reasons, an early allowance of claims 1-7, 9-12, 14-20 and 24-50 pending in the present application are respectfully requested.

Respectfully Submitted;
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.
Reg. No. 41,014

Farshad Farjami, Esq.
FARJAMI & FARJAMI LLP
26522 La Alameda, Ave., Suite 360
Mission Viejo, CA 92691
Tel: (949) 282-1000
Fax: (949) 282-1002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail Post Office to addressee" under 37 C.F.R. Sec. 1.10 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12/3/04.

Christina Carter
Name

Christina Carter
Signature